

UNITED STATES DISTRICT COURT **FILED**for the
District of New MexicoUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 324 W. Blanco Blvd. Space 15
 Bloomfield, New Mexico 87413

AUG 30 2021

Case No. 21-MR-~~1255~~^{BB} 1255**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

Single story residence located at 324 W. Blanco Blvd., Space 15, Bloomfield, New Mexico, the surrounding property, and any storage sheds, garages, and carports on the property.

located in the _____ District of New Mexico, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B of Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1038	False Information & Hoaxes

The application is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

 Alyson Berry, Special Agent, FBI

 Printed name and title

Sworn to before me and signed in my presence.

Date: August 30, 2021

City and state: Farmington, NM

B. Paul Briones, US Magistrate Judge

 Printed name and title

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, Alyson M. Berry, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”), where I have been employed in that capacity since July 2019. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in and around Indian Country, including fraud and violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI.

3. The location to be searched is described in the following paragraphs and in Attachment A. The target location described in this affidavit includes a single-wide mobile home residence located at 324 W. Blanco Blvd., Space 15, Bloomfield, New Mexico (referred to as the “Target Location”). Based on the facts set forth in this affidavit, there is probable cause to believe there were violations of 18 U.S.C. § 1038 False Information and Hoaxes committed by KEVIN DUANE TULLEY, year of birth 1986 (referred to herein as “KEVIN”), and that evidence of such crimes may be contained in the Target Location.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence of the listed offenses is located in the Target Location.

PROBABLE CAUSE

5. From February 2, 2017 to January 4, 2020, KEVIN called the San Juan County Communications Authority (Dispatch) to give false reports of various incidents. At least 21 calls were documented. KEVIN reported incidents of domestic violence, theft, a plane crash, abduction, battery and assault, car collisions, and active shooter incidents, among others. After responding to the calls, law enforcement determined they were all false.

6. In addition to San Juan County Sheriff's Office units, Bloomfield Police Department, Farmington Police Department, New Mexico State Police, Bureau of Land Management Officers, San Juan Regional Air Care, local fire and rescue units, Emergency Medical Services, and Navajo Police Department also responded to these calls. Detective Jacob Courtney, San Juan County Sheriff's Office, calculated thousands of dollars lost on manpower, equipment, helicopters, and other assets utilized in responding to KEVIN's false emergencies.

7. Linda Carey, Operator for San Juan County Communications Authority, and Detective Courtney identified KEVIN as the caller. Recognizing his voice characteristics and common phrases within the dispatch calls, Detective Courtney and Operator Carey realized KEVIN called from multiple numbers. His voice consistently remained the same and every call began with the phrase "yes, hello."

8. KEVIN called dispatch several times using the phone number (505)419-9666, which matches his number as listed in the San Juan County Sheriff's Office system. On other occasions, KEVIN called from random numbers not associated with his identity.

9. Based on my experience, callers can easily obtain apps that allow the callback number on a call to be modified, otherwise known as "number-spoofing". Therefore, KEVIN was able to mask his own telephone number and make calls from various numbers on his own devices. These devices include mobile telephones, computers, and tablets. Because telephone bills and app-subscription bills are often

received electronically via email, evidence of these documents may be located on computers or tablets within the Target Location. Additionally, printed or hard copies of telephone bills or Internet service records in the Target Location will establish that KEVIN received and paid the bills for the phone number(s) or apps used to make the hoax telephone calls from 2017 to 2020. The address associated with the telephone bills is 324 W. Blanco Blvd., Space 15, Bloomfield, New Mexico, which is the Target Location.

10. An inquiry of City of Farmington utility services by Detective Courtney showed active service at the Target Location of 324 W. Blanco Blvd., Space 15, Bloomfield, New Mexico under the name of KEVIN DUANE TULLEY. Additionally, Detective Courtney observed a GMC truck registered to KEVIN in the driveway numerous times, most recently on August 23, 2021. On August 27, 2021, your affiant observed KEVIN's GMC truck in his driveway at approximately 1:30 p.m., and reflective number 15 on the residence.

11. Based on the information provided in this affidavit, your affiant believes that evidence items in the form of electronic devices capable of making telephone calls, including mobile telephones, computers, and tablets, and/or hard copies of mobile telephone or Internet service records will be located at Target Location described in paragraph 3. Specifically, these devices may contain apps to allow callers to mask their callback number or produce a completely random, false number, or copies of telephone and Internet bills.

12. The search warrant is for the purpose of searching the location described in attachment B for physical items described in paragraph 11.

AUTHORIZATION REQUEST

13. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 1038 False Information and Hoaxes and Federal Rule of Criminal Procedure 41.

14. Based on the facts set forth in this affidavit, there is probable cause to believe there were violations of 18 U.S.C. § 1038 False Information and Hoaxes, and that evidence of such crimes may be contained in the Target Location.

15. Assistant United States Attorney Paul Mysliwiec, District of New Mexico, reviewed and approved the affidavit requesting approval to search the Target Location.

16. I swear that this information is true and correct to the best of my knowledge and belief.



Alyson M. Berry, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on August 30, 2021.



The Honorable B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to the single-wide mobile home residence located at 324 W. Blanco Blvd., Space 15, Bloomfield, New Mexico (referred to as the “Target Location”), the surrounding property, and any storage sheds, garages, and car ports on the property.

ATTACHMENT B

Particular Things to be Seized

1. Mobile telephone or Internet service bills.
2. Computers, mobile telephones, tablets, and any other electronic devices capable of telephonic abilities.